

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District for an order authorizing District to construct, modify, maintain, and operate a light rail passenger system across Franklin Boulevard, Center Parkway, and the Cosumnes River College Entrance in the City of Sacramento and the County of Sacramento, State of California.

Application 12-09-018
(Filed September 25, 2012;
Amended October 16,
2012)

**DECISION GRANTING AUTHORIZATION TO THE SACRAMENTO REGIONAL
TRANSIT DISTRICT TO CONSTRUCT AT-GRADE HIGHWAY-RAIL
CROSSINGS ACROSS FRANKLIN BOULEVARD, CENTER PARKWAY, AND
THE COSUMNES RIVER COLLEGE ENTRANCE ROAD IN THE CITY OF
SACRAMENTO, COUNTY OF SACRAMENTO**

Summary

This decision grants the Sacramento Regional Transit District authorization to construct new at-grade highway-rail crossings across Franklin Boulevard, Center Parkway, and the Cosumnes River College Entrance Road in the City of Sacramento in Sacramento County. The new crossings will be identified as CPUC Crossing Nos. 083S-9.74, 083S-10.77, and 083S-11.64 respectively.

Discussion

Sacramento Regional Transit District (SRTD) currently operates approximately 39 miles of track, covering a 418-square-mile service area including 47 stations. Light rail trains currently operate from 4:30 a.m. to 10:30 p.m. daily with service every 15 minutes during the day and 30 minutes in the

evening, on weekends, and during holidays. Weekday ridership averages 51,000 passengers.

SRTD requests authority to construct three new at-grade highway-rail crossings (crossings) in the City of Sacramento (City). The project will extend SRTD light rail service further south from its current terminus at Meadowview Road to its future terminus at Cosumnes River College campus. The new crossings will be constructed at Franklin Boulevard, Center Parkway, and the Cosumnes River College Entrance Road. The new crossings are part of the South Sacramento Corridor Phase 2 Project (Project). The Project is part of the Transit Master Plan to reduce single-occupancy vehicle usage and, in turn, reduce the region's air quality problems. In addition to the crossings requested in this Application (A.), as part of this project SRTD has sought and been granted authority (A.11-10-027/Decision 12-0-3-043) for two grade-separated crossings: one over the Union Pacific mainline tracks, and one over Cosumnes River Boulevard. One additional crossing at Meadowview will be requested in the future, when its design is final.

The proposed Franklin Boulevard crossing will be a two-track crossing located approximately 35 feet north of the existing intersection of Franklin Boulevard and Cosumnes River Boulevard, with the tracks running east/west, parallel to Cosumnes River Boulevard. The intersection of Franklin Boulevard and Cosumnes River Boulevard is currently a signalized three-way intersection. Franklin Boulevard is a five-lane divided road running north/south and Cosumnes River Boulevard is a four-lane road running east/west that terminates at Franklin Boulevard. During construction of the Project, the City will extend Cosumnes River Boulevard westward to connect Cosumnes River Boulevard with Interstate 5 freeway. The new four-way intersection will be fully signalized

with advanced pre-emption connections to the crossing circuitry. The Franklin Boulevard crossing will be equipped with two California Public Utilities Commission (Commission) Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm) warning devices for southbound traffic and two Commission Standard 9 (flashing light signal assembly with automatic gate arm) warning devices for northbound traffic. Commission Standard 8 (flashing light signal assembly) warning devices will be installed in the northeast and southwest quadrants for pedestrian warning. A California Manual on Uniform Traffic Control Devices (CAMUTCD) R3-1 “No Right Turn” Activated Blankout sign will be installed on the westbound approach of Cosumnes River Boulevard just prior to the intersection. The sign will be interconnected with the crossing circuitry and be activated by approaching trains.

The proposed Center Parkway crossing will be a two-track crossing located approximately 30 feet north of the existing intersection of Center Parkway and Cosumnes River Boulevard, with the tracks running east/west parallel to Cosumnes River Boulevard. The intersection of Center Parkway and Cosumnes River Boulevard is currently a fully signalized four-way intersection. Center Parkway is a five-lane road running north/south and Cosumnes River Boulevard is a four-lane road running east/west. The intersection will be equipped with advanced pre-emption connections to the crossing circuitry. The Center Parkway crossing will be equipped with one Commission Standard 9-A and one Commission Standard 9 warning devices for southbound traffic and two Commission Standard 9 warning devices for northbound traffic. Commission Standard 8 warning devices will be installed in the northeast and southwest quadrants for pedestrians. A CAMUTCD R3-1 “No Right Turn” Activated

Blankout sign will be installed on the westbound approach of Cosumnes River Boulevard just prior to the intersection. The sign will be interconnected with the crossing circuitry and be activated by approaching trains.

The proposed Cosumnes River College Entrance Road crossing will be a two-track crossing located approximately 35 feet west of the existing intersection of Bruceville Road and the Cosumnes River College Entrance Road, with the tracks running north/south parallel to Bruceville Road. The intersection of Bruceville Road and the Cosumnes River College Entrance Road is currently a signalized three-way intersection. Bruceville Road is a five-lane divided road running north/south and the Cosumnes River College Entrance Road a four-lane divided road running east/west that terminates at Bruceville Road. The intersection will be fully signalized with advanced pre-emption connections to the crossing circuitry. The Cosumnes River College Entrance Road crossing will be equipped with two Commission Standard 9-A warning devices for eastbound traffic and two Commission Standard 9 warning devices for westbound traffic. Commission Standard 8 warning devices will be installed in the northwest and southeast quadrants for pedestrians.

On October 16, 2012, SRTD filed an amendment to make a minor correction to the description of work for the Center Parkway crossing. The description of the proposed warning devices did not match the construction drawing.

In addition to the aforementioned active warning devices, the crossings will be treated with CAMUTCD standard advance warning and other railroad crossing regulatory and warning signs and pavement markings, as outlined in the application and attachments.

Rail service at these proposed crossings will be approximately 135 light rail trains per day at a maximum speed of 55 mph.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, SRTD is the lead agency for this project because the project is being constructed by them and is subject to their review and approval. The Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ As a responsible agency, the Commission is

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

In 1994, SRTD issued the Alternatives Analysis/Draft Environmental Impact Statement and in 1995 issued the Final Environmental Impact Report for the South Sacramento Corridor project. On March 18, 1997, SRTD filed a Notice of Determination (NOD) with the County of Sacramento which states, "The Project will have a significant adverse effect on the environment. Mitigation measures were adopted as a condition of approval of the project." A Statement of Overriding Considerations (SOC) was adopted for this Project at that time.

A Supplemental Final Environmental Impact Statement/Subsequent Final Environmental Impact Report (SFEIS/SFEIR) was circulated in September 2008 to evaluate the Project.

On October 21, 2011, the Federal Transit Administration (FTA) filed a Finding of No Significant Impact (FONSI) with the Sacramento County Clerk's Office. The FONSI states that the SFEIS/SFEIR for the Project "was evaluated by the FTA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed Project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required." Actions by SRTD to undertake mitigations not modified by the FONSI but identified in the SFEIS/SFEIR remain in effect.

⁴ CEQA Guideline Section 15096(g).

With respect to the crossings requested in this application a number of potentially significant impacts are identified in the SFEIS/SFEIR, all of which are mitigated to a less than significant level. As such the Commission makes the following findings pursuant to CEQA Guideline Section 1596(h).

With respect to transportation the following impacts are identified: (1) At at-grade crossing, vehicular traffic on the cross streets would be delayed while crossing gates block the intersections; (2) moderate queues are projected at crossing locations along Meadowview Road and Consumnes River Boulevard (CRB); and, (3) Intersection efficiency is reduced due to at-grade crossings at the following intersections: Franklin Boulevard/CRB, Center and Parkway/CRB. These impacts are mitigated to less than significant levels by the following measures: (1) measure T-7 requires that for all at-grade crossings adjacent to light-rail stations, SRTD will implement crossing signal control measures to minimize the amount of time gates are down when trains must stop to load and unload passengers before they cross the roadway – a timed delay mechanism will be installed that activates the crossing gates just prior to the train departing the station platform; (2) measure T-8 requires that SRTD will implement “near side” crossing signal control measures at the intersection of Center Parkway and CRB, Franklin Blvd. and CRB, and Bruceville Road and CRB to provide additional safety; and, (3) T-9 requires that express trains not stopping at a near side station would have equipment to bypass the timed delay mechanism.

With respect to noise impacts, the SFEIS/FEIR found that impacts would vary depending upon the design options selected but that mitigations measure, including N&V-5, would reduce it to less than significant. Measure N&V-5 requires that bell sound levels at rail/roadway crossings will be set to minimum

sound levels allowed by the CPUC. SRTD will specify that bells with easily adjustable volumes and adjustable ring rates be installed. Calibration of bell sounds will be performed prior to initiation of revenue service. If approved by the CPUC, shrouds will be installed on bells to direct the sound towards the grade crossings.

Immitigable impacts requiring adoption of an SOC were unrelated to the areas of Commission jurisdiction. FTA served as the lead agency and SRTD served as a joint-lead agency in the preparation of the Environmental Analysis (EA) in compliance with National Environmental Policy Act, 42 U.S. C. Section 4321 et. seq. and with FTA's regulations, 23 CFR Part 771. The EA analyzes and describes the Project's potential significant impacts. The EA was issued in August 2011. The EA found that the Project's construction and operation would cause no significant adverse environmental effects that would not be mitigated. After considering the EA, its supporting documents, public comments, and responses, FTA found under 23 CFR 771.121 that the proposed Project with the mitigation to which SRTD has committed, will have no significant adverse impacts on the environment. The record provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

The Commission reviewed and considered SRTD's Draft Environmental Impact Report (DEIR), Final Environmental Impact Report (FEIR), NOD, SOC, SFEIS/SFEIR and FTA's FONSI as they relate to these crossings and finds them adequate for our decision-making purposes.

Filing Requirements and Staff Recommendations

This application is in compliance with the Commission's filing requirements including Rule 3.9 of the Rules of Practice and Procedure, which relates to the construction of a railroad across a public road.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the sites of the proposed crossings, and has reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject crossings be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3302, dated October 11, 2012, the Commission preliminarily categorized this application as ratesetting and preliminarily determined that hearings were not necessary. An amendment to this application was filed on October 16, 2012, and published in the Commission's Daily Calendar on October 30, 2012, regarding a minor change in the description of the Center Parkway crossing. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Emory J. Hagan III is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on October 3, 2012. An amendment to the application was published in the Commission's Daily Calendar on October 30, 2012. There are no unresolved matters or protests. A public hearing is not necessary.

2. SRTD requests authority, under Public Utilities Code Sections 1201-1205, to construct three new at-grade highway-rail crossings across Franklin Boulevard, Center Parkway, and the Cosumnes River College Entrance Road in the City, Sacramento County.

3. SRTD is the lead agency for this Project under CEQA. SRTD issued the Alternatives Analysis/Draft Environmental Impact Statement in 1994 and in 1995 issued the Final Environmental Impact Report for the South Sacramento Corridor project.

4. On March 18, 1997, SRTD filed a NOD with the County which states, "The Project will have a significant adverse effect on the environment. Mitigation measures were adopted as a condition of approval of the project."

5. An SOC was adopted for this Project at that time. Immitigable impacts requiring adoption of an SOC were unrelated to the areas of Commission jurisdiction.

6. A SFEIS/SFEIR was circulated in September 2008 to evaluate Phase 2 of the South Sacramento Corridor project.

7. On October 21, 2011, the FTA filed a FONSI with the Sacramento County Clerk's Office. The FONSI states that the SFEIS/SFEIR for the Project was

evaluated by the FTA and determined that it provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

8. The Commission is a responsible agency for this Project and has reviewed and considered SRTD's DEIR, FEIR, NOD, SOC, SFEIS/SFEIR and FTA's FONSI as they relate to these crossings.

9. The DEIR, FEIR, NOD, SFEIS/SFEIR and FTA's FONSI reflect the Commission's independent judgment and analysis.

10. Pursuant to CEQA Guideline Section 1596(h) the Commission finds that potentially significant impacts are created because (1) at at-grade crossing, vehicular traffic on the cross streets would be delayed while crossing gates block the intersections; (2) moderate queues are projected at crossing locations along Meadowview Road and Consumnes River Boulevard (CRB) ; and, (3) Intersection efficiency is reduced due to at-grade crossings at the following intersections: Franklin Boulevard/CRB, Center and Parkway/CRB.

11. The Commission further finds that these impacts are mitigated to less than significant levels by the following measures: (1) measure T-7 requires that for all at-grade crossings adjacent to light-rail stations, SRTD will implement crossing signal control measures to minimize the amount of time gates are down when trains must stop to load and unload passengers before they cross the roadway – a timed delay mechanism will be installed that activates the crossing gates just prior to the train departing the station platform; (2) measure T-8 requires that SRTD will implement “near side” crossing signal control measures at the intersection of Center Parkway and CRB, Franklin Blvd. and CRB, and Bruceville Road and CRB to provide additional safety; and, (3) T-9 requires that express trains not stopping

at a near side station would have equipment to bypass the timed delay mechanism.

12. Pursuant to CEQA Guideline Section 1596(h) the Commission finds that a potentially significant noise impacts may be created at rail/roadway crossing.

13. The Commission further finds that this impact is mitigated to a less than significant level by measure N&V-5, which requires that bell sound levels at rail/roadway crossings will be set to minimum sound levels allowed by the CPUC. SRTD will specify that bells with easily adjustable volumes and adjustable ring rates be installed. Calibration of bell sounds will be performed prior to initiation of revenue service. If approved by the CPUC, shrouds will be installed on bells to direct the sound towards the grade crossings.

Conclusions of Law

1. SRTD's DEIR, FEIR, NOD, SFEIS/SFEIR and FTA's FONSI are adequate for our decision-making purposes.

2. SRTD's DEIR, FEIR, NOD, SOC, and SFEIS/SFEIR were completed in compliance with CEQA.

3. The application is uncontested and a public hearing is not necessary.

4. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Sacramento Regional Transit District is authorized to construct three new at-grade highway-rail crossings across Franklin Boulevard, Center Parkway, and the Cosumnes River College Entrance Road in the City of Sacramento, Sacramento County.

2. The new at-grade highway-rail crossings will be identified as CPUC Crossing No. 083S-9.74, 083S-10.77, and 083S-11.64, respectively.

3. The new at-grade crossings shall have the crossing treatments and configuration described above and specified in the application and attachments.

4. Sacramento Regional Transit District shall notify the California Public Utilities Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section at least five (5) business days prior to opening the at-grade highway-rail crossings. Notification shall be made to rces@cpuc.ca.gov

5. Within thirty (30) days after completion of the work under this order, Sacramento Regional Transit District shall notify the Rail Crossings Engineering Section in writing, by submitting a completed Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpubc.ca.gov/crossings>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

6. Sacramento Regional Transit District shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

7. This authorization shall expire if not exercised within three (3) years of the effective date of this decision, unless time is extended or if the above conditions are not satisfied. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

8. A request for extension of the three-year authorization period must be submitted to the California Public Utilities Commission's Rail Crossings Engineering Section at least thirty (30) days before the expiration of that period. A copy of the request must be sent to all interested parties.

9. The application is granted as set forth above.

10. Application 12-09-018 is closed.

This order is effective today.

Dated _____, at San Francisco, California.